

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 16-CR-20633

vs.

HON. BERNARD A. FRIEDMAN

TIMITHIA ALEIGHA PERRYMAN,

Defendant.

ORDER DENYING DEFENDANT’S MOTION FOR COMPASSIONATE RELEASE

Defendant has filed a motion in this matter for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) [docket entry 64]. Defendant believes that she has been exposed to the coronavirus while in custody.

The Court must deny this motion because defendant has not shown that she has complied with the statute’s exhaustion requirement. Section 3582(c)(1)(A) states that

the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier, may reduce the term of imprisonment . . . if it finds that— (i) extraordinary and compelling reasons warrant such a reduction

The Sixth Circuit has held that this exhaustion requirement is mandatory, and that if a defendant files a motion seeking relief under this section without first complying with § 3582(c)(1)(A), the district court must deny the motion without prejudice. *See United States v. Alam*, No. 20-1298, 2020 WL 2845694, at *2-5 (6th Cir. June 2, 2020). In the instant motion, defendant has not made the necessary showing of exhaustion. Accordingly,

IT IS ORDERED that defendant's motion for compassionate release is denied without prejudice.

Dated: June 26, 2020
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on June 26, 2020.

Timithia Aleigha Perryman, 54953039
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s/Johnetta M. Curry-Williams
Case Manager